

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

1. Gabriela Zepeda, 10/14/23
2. Damarys Ariadne Romero Tamayo, 10/13/23
3. Noe Rodriguez Macias, 10/13/23
4. Marissa Gamez Guerrero, and 10/13/23
5. Perla Corte Medina. 10/13/23

CRIMINAL COMPLAINT

CASE NUMBER: MJ 23-3432

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the dates described in Attachment A in the County of Yuma in the District of Arizona, the defendants violated 18 U.S.C. § 924(a)(1)(A) (False Statement During Purchase of a Firearm); 18 U.S.C. §§ 922(a)(6) & 924(a)(2) (Material False Statement During the Purchase of a Firearm); 18 U.S.C. § 554(a) (Smuggling Goods from the United States) offenses described as follows:

See Attachment A – Description of Counts

I further state that I am a Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated By Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: LeighAnn M. Thomas, AUSA

LMJ

Kyle Dandoy, Special Agent for ATF
Name of Complainant

KYLE DANDOY Digitally signed by KYLE DANDC
Date: 2023.10.14 22:51:35 -0700
Signature of Complainant

Sworn to telephonically before me

October 15, 2023

Date

at Phoenix, Arizona
City and State

HONORABLE MICHAEL T. MORRISSEY

Michael T. Morrissey

United States Magistrate Judge
Name & Title of Judicial Officer

Michael T. Morrissey
Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNTS

COUNTS 1 – 5

On or about the dates listed below, in the District of Arizona, Defendant GABRIELA ZEPEDA knowingly made false statements and representations to the businesses listed below, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant GABRIELA ZEPEDA did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below, stating that Defendant GABRIELA ZEPEDA resided at an address in San Luis, Arizona, whereas in truth and fact, Defendant GABRIELA ZEPEDA knew that she resided at a different address:

Count	Date	Location
1	8/13/2023	Firearms Unknown (Yuma)
2	8/23/2023	Jones & Jones (Somerton)
3	9/3/2023	Jones & Jones (Somerton)
4	9/9/2023	Jones & Jones (Somerton)
5	10/8/2023	Jones & Jones (Somerton)

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNTS 6 – 10

On or about the dates listed below, in the District of Arizona, Defendant GABRIELA ZEPEDA knowingly made false statements and representations in connection with the acquisition of a firearm to the businesses listed below, which were intended and likely to deceive the businesses as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18,

United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant GABRIELA ZEPEDA did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below stating she was the actual transferee/buyer, whereas in truth in fact, she was purchasing the firearms on behalf of Defendant NOE OCTAVIO RODRIGUEZ MACIAS:

Count	Date	Location
6	8/13/2023	Firearms Unknown (Yuma)
7	8/23/2023	Jones & Jones (Somerton)
8	9/3/2023	Jones & Jones (Somerton)
9	9/9/2023	Jones & Jones (Somerton)
10	10/8/2023	Jones & Jones (Somerton)

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNTS 11 – 14

On or about the dates listed below, in the District of Arizona, Defendant DAMARYS ARIADNE ROMERO TAMAYO knowingly made false statements and representations to the businesses listed below, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant DAMARYS ARIADNE ROMERO TAMAYO did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below, stating that Defendant DAMARYS ARIADNE ROMERO TAMAYO resided at an address in San Luis, Arizona, whereas in truth and fact, Defendant DAMARYS ARIADNE ROMERO TAMAYO knew that she resided at a different address:

Count	Date	Location
11	7/22/2023	Firearms Unknown (Yuma)
12	7/30/2023	Jones & Jones (Somerton)
13	9/3/2023	Jones & Jones (Somerton)
14	10/7/2023	Firearms Unknown (Yuma)
15	10/13/2023	Jones & Jones (Yuma)

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNTS 16 – 19

On or about the dates listed below, in the District of Arizona, Defendant DAMARYS ARIADNE ROMERO TAMAYO knowingly made false statements and representations in connection with the acquisition of a firearm to the businesses listed below, which were intended and likely to deceive the businesses as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant DAMARYS ARIADNE ROMERO TAMAYO did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below stating she was the actual transferee/buyer, whereas in truth in fact, she was purchasing the firearms on behalf of Defendant NOE OCTAVIO RODRIGUEZ MACIAS:

Count	Date	Location
16	7/22/2023	Firearms Unknown (Yuma)
17	7/30/2023	Jones & Jones (Somerton)
18	9/3/2023	Jones & Jones (Somerton)
19	10/7/2023	Firearms Unknown (Yuma)

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT 20

On or about the dates listed below, in the District of Arizona, Defendant MARISSA GAMEZ GUERRERO knowingly made false statements and representations to the businesses listed below, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant MARISSA GAMEZ GUERRERO did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below, stating that Defendant MARISSA GAMEZ GUERRERO resided at an address in San Luis, Arizona, whereas in truth and fact, Defendant MARISSA GAMEZ GUERRERO knew that she resided at a different address:

Count	Date	Location
20	9/11/2023	Jones & Jones (Somerton)

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT 21

On or about the dates listed below, in the District of Arizona, Defendant MARISSA GAMEZ GUERRERO knowingly made false statements and representations in connection with the acquisition of a firearm to the businesses listed below, which were intended and likely to deceive the businesses as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant MARISSA GAMEZ GUERRERO did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below stating she was the actual transferee/buyer, whereas in truth in fact, she was purchasing the firearms on behalf of Defendant NOE OCTAVIO

RODRIGUEZ MACIAS:

Count	Date	Location
21	9/11/2023	Jones & Jones (Somerton)

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT 22

On or about October 8, 2023, in the District of Arizona, Defendant GABRIELA ZEPEDA knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is:

- Glock, G19 Gen 5, 9mm Pistol, Serial Number: CASU094;
- Glock, G19 Gen 5, 9mm Pistol, Serial Number: CAA6868; and,
- Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD080531;

knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

COUNT 23

On or about October 13, 2023, in the District of Arizona, Defendant PERLA CORTE MEDINA knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is:

- Glock, G22 Gen 4, 40 caliber Pistol, Serial Number: VYR853;
- Glock, G19 Gen 4, 9mm Pistol, Serial Number: BCWK960; and,
- Glock, G45 Gen 5, 9mm Pistol, Serial Number: BXDZ965;

knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

COUNT 24

On or about October 13, 2023, in the District of Arizona, Defendant MARISSA GAMEZ GUERRERO and NOE RODRIGUEZ MACIAS knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is:

- Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP137;
- Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP138;
- Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078613;
- Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD085814; and,
- Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078627;

knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Kyle Dandoy, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. The facts of this case, as more fully detailed herein, are that on or about October 8, 2023, I became involved in an investigation involving individuals identified as Gabriela ZEPEDA, Damarys ROMERO TAMAYO, Noe RODRIGUEZ MACIAS, Marissa GAMEZ GUERRERO, and Perla CORTE MEDINA.
2. Your affiant believes there is probable cause that beginning on or about July 22, 2023, and continuing through October 13, 2023, ZEPEDA, ROMERO and GAMEZ gave false statements to Federal Firearm Licensees (FFL) in Yuma County, Arizona in violation of 18 U.S.C. § 924(a)(1)(A) (False Statement During Purchase of a Firearm); and, 18 U.S.C. §§ 922(a)(6) & 924(a)(2) (Material False Statement During the Purchase of a Firearm). And that ZEPEDA, MEDINA, GAMEZ and RODRIGUEZ attempted, or have before, smuggled firearms from the United States into Mexico, in violation of 18 U.S.C. § 554(a) (Smuggling Goods from the United States).
3. I am a Special Agent with Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been since May 2021. I am currently assigned to the ATF Los Angeles Field Division, El Centro Field Office, Yuma Satellite Office. Prior to my tenure as a Special Agent, I worked for the Yuma Police Department (YPD) from November 2011 to May of 2021.
4. I received my formal training at the Federal Law Enforcement Training Center ("FLETC"), located in Glynco, Georgia, completing both the Criminal Investigator Training Program and Special Agent Basic Training. During these two (2) academies at FLETC, I received specialized training in several law enforcement criteria including, but not limited to, the following: writing of legal documents such as court orders and warrants,

the handling of evidence, proper search procedures, and understanding United States Code ("U.S.C.") relating to firearms, explosives, arson, alcohol, and tobacco.

5. As an ATF Special Agent my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Titles 18, 21, and 26 of the U.S.C. I have personally participated in and conducted criminal investigations pertaining to the illegal acquisition of firearms, possession of firearms by prohibited persons, smuggling of firearms and narcotics, investigations involving interstate and international firearms trafficking, and investigations involving narcotics trafficking. As such, the result of many of these investigations have led to arrests; searches; and seizures of individuals, property, firearms, and narcotics involved in violations of Federal laws.

6. The statements contained in this Affidavit are based on information derived from your Affiant's personal knowledge, training and experience; information obtained from the knowledge and observations of other sworn law enforcement officers, either directly or indirectly through their reports or affidavits; surveillance conducted by law enforcement officers; information provided by a confidential source; analysis of public records; analysis of social media information; analysis of telephone records; and analysis of financial records.

7. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, your Affiant has not set forth all of the relevant facts known to law enforcement officers.

PROBABLE CAUSE

8. In September 2023, ATF was alerted by Jones & Jones, a local Federal Firearms Licensee (FFL) of multiple firearm purchases made in cash by two females identified as Gabriela ZEPEDA ("ZEPEDA") and Damarys Ariadne ROMERO TAMAYO ("ROMERO"). The FFL stated the two females had been accompanied by the same male subject identified as Noe Octavio RODRIGUEZ MACIAS ("RODRIGUEZ") who was driving a white Chrysler 200. ZEPEDA purchased sixteen firearms between August 13,

2023, through October 8, 2023. ROMERO purchased twelve firearms between July 22, 2023, through October 7, 2023. RODRIGUEZ purchased two firearms on July 16, 2023.

9. Your affiant reviewed the Firearm Transaction Paperwork, known as ATF Form 4473, for the below purchases. On each of the forms, the purchasers responded to Question 21(a) "Are you the actual transferee/buyer of all of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9a)? **Warning: You are not the actual transferee/buyer if you are acquiring any of the firearms(s) on behalf of another person.** If you are not the actual transferee /buyer, the licensee cannot transfer any of the firearms (s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a and may proceed to question 21.b." affirmatively stating "yes".

10. Purchases by ZEPEDA are shown in the chart below:

Related Count	FFL	Purchase Date	Make	Model	Caliber	Type	Serial Number
1,6	Firearms Unknown	8/13/2023	Glock	G19 Gen 5	9mm	Pistol	BXYR701
			Glock	G19 Gen 5	9mm	Pistol	BXYR699
			Glock	G19 Gen 5	9mm	Pistol	BXYR698
2,7	Jones & Jones	8/23/2023	Glock	G19X	9mm	Pistol	CAHN605
			Glock	G17 Gen5	9mm	Pistol	BZAM012
			Glock	G17 Gen 5	9mm	Pistol	BYLP478
3,8	Jones & Jones	9/3/2023	Carl Walther	1911 Gov.	22LR	Pistol	WD080356
			Glock	G17 Gen 5	9mm	Pistol	CAGT480
			Glock	G19 Gen 5	9mm	Pistol	BXYK883
4,9	Jones & Jones	9/9/2023	Carl Walther	1911 Gov.	22LR	Pistol	WD080492
			Carl Walther	1911 Gov.	22LR	Pistol	WD080530

			Glock	G17 Gen 5	9mm	Pistol	CBCR678
			Glock	G17 Gen 5	9mm	Pistol	CBCR669
5,10	Jones & Jones	10/8/2023	Glock	G19 Gen 5	9mm	Pistol	CASU094
			Glock	G19 Gen 5	9mm	Pistol	CAA6868
			Carl Walther	1911 Gov.	22	Pistol	WD080531

11. Purchases by ROMERO are shown in the chart below:

Related Counts	FFL	Purchase Date	Make	Model	Caliber	Type	Serial Number
11,16	Jones & Jones	7/22/2023	Carl Walther	1911 Gov.	22LR	Pistol	WD08546 3
			Carl Walther	1911 Gov.	22LR	Pistol	WD08634 0
			Carl Walther	1911 Gov.	22LR	Pistol	WD08634 2
12,17	Jones & Jones	7/30/2023	Carl Walther	1911 Gov.	22LR	Pistol	WD08633 6
			Carl Walther	1911 Gov.	22LR	Pistol	WD08630 0
			Carl Walther	1911 Gov.	22LR	Pistol	WD08034 2
13,18	Jones & Jones	9/3/2023	Glock	G19X	9mm	Pistol	CAHT409
			Glock	G19 Gen 5	9mm	Pistol	CASU095
			Glock	G17 Gen 5	9mm	Pistol	BTZV150
			Glock	G17 Gen 5	9mm	Pistol	CAGT481
14,19	Firearms Unknown	10/7/2023	Glock	G17 Gen 5	9mm	Pistol	BACN803
			Glock	G17 Gen 5	9mm	Pistol	BACN812

12. Purchases by RODRIGUEZ are shown in the chart below:

FFL	Purchase Date	Make	Model	Caliber	Type	Serial Number
-----	------------------	------	-------	---------	------	------------------

Jones & Jones	7/16/2023	Carl Walther	1911 Gov.	22	Pistol	WD089394
		Carl Walther	1911 Gov.	22	Pistol	WD085462

October 8, 2023: Firearm Seizure at the Port

13. On October 8, 2023, your affiant was alerted by Jones & Jones that ZEPEDA was purchasing three firearms (Glock, G19 Gen 5, 9mm Pistol, Serial Number: CASU094; Glock, G19 Gen 5, 9mm Pistol, Serial Number: CAA6868; and, Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD080531).

14. During the purchase of the firearms, ZEPEDA completed the firearm transaction record, known as ATF Form 4473. During the completion of the form, she provided an address and responded "yes" that she was the actual transferee/buyer.

15. Before ZEPEDA left the FFL, she removed the firearms from their respective cases and threw the cases in the dumpster on the property of the FFL.

16. Your affiant followed ZEPEDA who ultimately drove to the San Luis Port of Entry (San Luis POE) and was stopped by Custom Border Protection (CBP) Officers before officially entering Mexico. The three firearms she purchased at the FFL that day along with the magazines were all concealed on ZEPEDA's body (referenced in Count 22).

Interview of Gabriela ZEPEDA

17. On October 8, 2023, ZEPEDA was read her *Miranda* Rights. She agreed to waive her rights and speak to agents. ZEPEDA told agents she knew firearms were illegal in Mexico and admitted to transporting all the firearms she had purchased to Mexico except the first firearms she purchased on August 13, 2023. ZEPEDA claimed the firearms she purchased on August 13, 2023, were given to ROMERO who crossed the firearms into Mexico. According to ZEPEDA, once in Mexico, the firearms were given to RODRIGUEZ. ZEPEDA stated the money for the firearms came from RODRIGUEZ and she was told what FFL to go to, and which firearms to purchase. ZEPEDA stated she was paid \$400 per firearm she purchased and transported to Mexico.

18. ZEPEDA claimed ROMERO is who recruited her to purchase firearms for RODRIGUEZ as ROMERO knew ZEPEDA needed money. ZEPEDA stated ROMERO told her it was legal for her to purchase firearms in the United States, but illegal to take them to Mexico. ZEPEDA agreed to purchase and transport the firearms for RODRIGUEZ because she needed the money. ZEPEDA said all of the firearms she purchased on the dates referenced in Counts 6-10 were for RODRIGUEZ.

19. Your affiant searched ZEPEDA's cell phone upon consent and observed messages from RODRIGUEZ. RODRIGUEZ told ZEPEDA she made a mistake as she was supposed to purchase a Glock 17, not a Glock 19. RODRIGUEZ also called ZEPEDA numerous times as RODRIGUEZ was waiting in Mexico for her, and messaged ZEPEDA asking where she was. RODRIGUEZ was unaware ZEPEDA was stopped at the San Luis POE and was speaking with your affiant.

20. ZEPEDA stated she did not have an import/export license and admitted she was not living at the address she listed on the Firearms Transaction Record (ATF Form 4473). ZEPEDA was listing an address of 553 N. Garcia Lane, San Luis, AZ 85349, when in fact, ZEPEDA stated she had been living in Mexico for approximately four years.

October 13, 2023: Firearm Seizure at the Port

21. On October 13, 2023, your affiant was alerted that ROMERO was crossing the San Luis POE via the inbound pedestrian lane. Your affiant followed ROMERO from the San Luis POE where she was picked up by a female in a red Honda, and driven to Jones & Jones where she purchased three firearms. ROMERO left the FFL where a third female entered the back seat, later identified as Perla CORTE MEDINA ("MEDINA"). MEDINA and ROMERO were dropped off near the San Luis POE and entered the outbound pedestrian lane. ROMERO and MEDINA were stopped by CBP Officers before officially entering Mexico. CBP searched both individuals. CBP located the three firearms purchased by ROMERO concealed on MEDINA's body (Glock, G22 Gen 4, 40 caliber Pistol, Serial Number: VYR853; Glock, G19 Gen 4, 9mm Pistol, Serial Number: BCWK960; and, Glock, G45 Gen 5, 9mm Pistol, Serial Number: BXDZ965). Two

firearms were placed in the front of her body near the waist and one firearm on the back near the waist.

Interview of Damarys ROMERO

22. ROMERO was read her *Miranda* Rights. ROMERO agreed to waive her rights and speak with agents. ROMERO told agents that the three firearms she had just purchased were for MEDINA. ROMERO claimed MEDINA liked firearms and asked if she (ROMERO) could purchase firearms for MEDINA. ROMERO told MEDINA she could but told MEDINA she would not transport them to Mexico as she knew firearms are illegal in Mexico. ROMERO stated the money she used to purchase the firearms for MEDINA was given to her by MEDINA before crossing into the United States.

23. Your affiant asked ROMERO how many firearms she had purchased and stated this was her first time. ROMERO was asked again and to think about the question before answering, and then said approximately ten firearms. ROMERO stated all of the other firearms she purchased on the dates referenced in Counts 16-19 were for RODRIGUEZ.

24. ROMERO stated when RODRIGUEZ asked her to purchase firearms, he also asked her to transport the firearms to Mexico because she could make more money. ROMERO stated she did not know at first if purchasing firearms were legal but ultimately agreed to purchase firearms for him but told RODRIGUEZ she would not transport the firearms to Mexico. According to ROMERO, RODRIGUEZ would give ROMERO any left-over cash after the purchase, which was sometimes around \$50, and would also buy her food.

25. ROMERO stated RODRIGUEZ would pick her up at McDonalds in San Luis, Arizona and drive her to an FFL. Once at the FFL, RODRIGUEZ provided ROMERO with the money for the firearms and tell her what firearms to purchase. Once the firearms were purchased, ROMERO said RODRIGUEZ would drop her off back at McDonalds and ROMERO would leave the firearms in the vehicle. ROMERO said she did not know what RODRIGUEZ did with the firearms after being dropped off, but assumed he took them to Phoenix, Arizona because that is where he lived.

26. ROMERO stated when she had purchased for RODRIGUEZ, she told RODRIGUEZ he needed to keep the firearms because of a question on the Federal Firearm Transaction Record (ATF Form 4473). ROMERO stated the question had to do with being the actual purchaser of the firearms. ROMERO is referring to question 21.a which states:

Are you the actual transferee/buyer of all of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9a)? **Warning: You are not the actual transferee/buyer if you are acquiring any of the firearms(s) on behalf of another person. If you are not the actual transferee /buyer, the licensee cannot transfer any of the firearms (s) to you.** Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a and may proceed to question 21.b.

27. ROMERO stated she does not have an import/export license and admitted she was not living at the address she listed on ATF Form 4473. ROMERO was listing an address of 239 E Los Tres Humbres Street, San Luis, AZ 85336, when in fact, ROMERO told agents she had been living in Mexico for approximately two years.

Interview of Perla CORTE MEDINA

28. On October 13, 2023, your affiant interviewed MEDINA who had three firearms concealed on her person which were purchased by ROMERO earlier that day (referenced in Count 23). When MEDINA was questioned about the three firearms, MEDINA stated she was going to be paid \$1,000 for transporting the firearms to Mexico. MEDINA stated once in Mexico, she was supposed to give the firearms back to ROMERO and to wait for further instructions from ROMERO.

29. MEDINA stated this was the first time she attempted to cross firearms in Mexico but was doing it because she needed money. MEDINA stated she had gone with ROMERO to FFLs on other occasions, but never attempted to cross the border with firearms. MEDINA stated once before she observed ROMERO give firearms to an unknown male subject who drove a white four door sedan. (Note: RODRIGUEZ drives a white 4-door sedan Chrysler 200).

30. Your affiant showed a photograph of ZEPEDA to MEDINA who identified ZEPEDA by name. MEDINA stated she had gone with ZEPEDA one time to an FFL in a black car and remembered ZEPEDA giving the firearm to a male subject but could not recall the vehicle information the male subject was driving. (**Note:** As noted above, ZEPEDA was stopped by CBP on October 8, 2023, and was driving a black sedan).

31. MEDINA does not have an import/export license and is aware firearms are illegal in Mexico. Due to MEDINA's immigration status as a citizen of Mexico, it appears MEDINA is not able to purchase firearms from FFLs.

Interview of Marissa GAMEZ GUERRERO

32. On October 13, 2023, your affiant was alerted by Jones and Jones that GAMEZ was purchasing two firearms which she attempted to purchase on October 8, 2023, but was delayed. GAMEZ successfully purchased those two firearms.

33. On October 13, 2023, your affiant followed GAMEZ and RODRIGUEZ who ultimately drove to the San Luis POE and were stopped by CBP Officers before officially entering Mexico. The two firearms she purchased (Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP137; and, Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP138 - referenced in Count 24) along with magazines were all concealed on GAMEZ' body.

34. GAMEZ was read her *Miranda* Rights. GAMEZ agreed to waive her rights and speak with agents. She said she was transporting firearms to Mexico for protection, however, admitted to not purchasing ammunition because she needed to search online to learn how to operate a firearm. Your affiant asked GAMEZ if she had ever purchased firearms prior to the firearms she attempted to smuggle into Mexico. GAMEZ stated she had not.

35. Your affiant showed ATF Form 4473 from September 11, 2023, when GAMEZ purchased three firearms from Jones & Jones. GAMEZ recalled the firearms after being showed ATF Form 4473. GAMEZ stated the firearms she purchased on September 11, 2023 (referenced in Count 21) she purchased for her ex-boyfriend RODRIGUEZ.

RODRIGUEZ provided GAMEZ with the money for the firearms, and GAMEZ claimed she did not receive anything in return for the purchase. GAMEZ stated the firearms she purchased on September 11, 2023, were taken to Mexico by RODRIGUEZ. Below is a chart of the firearms GAMEZ purchased:

Related Counts	FFL	Purchase Date	Make	Model	Caliber	Type	Serial Number
20,21	Jones & Jones	9/11/2023 (Delayed Purchase - Transferred 9/16/2023)	Glock	G19 Gen 5	9mm	Pistol	BYUE629
			Glock	G17 Gen 5	9mm	Pistol	CBCR667
			Glock	G17 Gen 5	9mm	Pistol	CBCR670

36. GAMEZ knows firearms are illegal in Mexico. GAMEZ stated she does not have an import/export license and admitted she was not living at the address she listed on ATF Form 4473. GAMEZ was listing an address of 1630 E. Mickinley Street, Apartment #1, Phoenix, AZ 85006, when in fact, GAMEZ stated she had been living in Mexico for her entire life. The address in Phoenix belonged to RODRIGUEZ' grandmother.

Interview of Noe RODRIGUEZ MACIAS

37. On October 13, 2023, your affiant was alerted by Jones and Jones that RODRIGUEZ was purchasing three firearms which he attempted to purchase on October 8, 2023, but was delayed. He successfully purchased them on October 13, 2023. On October 13, 2023, your affiant followed RODRIGUEZ who ultimately drove to the San Luis POE with GAMEZ and were stopped by CBP Officers before officially entering Mexico. The three firearms (Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078613; Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD085814; and, Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078627 - referenced in Count 24) were hidden underneath the backseat of his white Chrysler 200 that he was driving.

38. RODRIGUEZ was read his *Miranda* Rights. RODRIGUEZ agreed to waive his rights and speak with agents. RODRIGUEZ stated he had purchased approximately six firearms and took them all to Mexico. RODRIGUEZ stated the firearms were taken to

GAMEZ' house in Mexico. RODRIGUEZ stated he has approximately eight or nine firearms in Mexico.

39. Your affiant showed RODRIGUEZ a photograph of ZEPEDA who stated he knew ZEPEDA, and that he had ZEPEDA purchase approximately five firearms for him. RODRIGUEZ would pay ZEPEDA \$200 to \$300 for each firearm purchased. RODRIGUEZ stated every firearm ZEPEDA had bought for him ZEPEDA crossed into Mexico. RODRIGUEZ stated he knew firearms were illegal in Mexico but needed them because Mexico is dangerous.

40. Your affiant asked RODRIGUEZ about the firearms ZEPEDA purchased on October 8, 2023, and was seized at the border. RODRIGUEZ claimed only one of those firearms were for him, and ZEPEDA was supposed to buy a Glock 17 and not a Glock 19. Messages between ZEPEDA and RODRIGUEZ corroborate the fact ZEPEDA was supposed to buy a Glock 17, but not the fact that only one firearm was for RODRIGUEZ. RODRIGUEZ stated he had ZEPEDA purchase firearms because he did not want all the firearms under his name.

41. Your affiant showed RODRIGUEZ a photograph of ROMERO who at first denied knowing ROMERO, but later admitted ROMERO had purchased approximately four firearms for him. RODRIGUEZ claimed to have provided one firearm to his brother in Mexico, and the other three firearms were at his house in Mexico.

42. RODRIGUEZ claimed he paid ROMERO the same amount as ZEPEDA, \$200 to \$300 per firearm. RODRIGUEZ stated ROMERO would cross the firearms into Mexico, but one time RODRIGUEZ and ROMERO were in the same vehicle when crossing the firearms into Mexico.

43. RODRIGUEZ admitted to knowing firearms are illegal in Mexico and stated he does not have an import/export license.

Firearms Attempted to be Smuggled into Mexico

44. The following lists the respective defendants and the list of firearms that they attempted to smuggle into Mexico from the United States, which were ultimately seized by ATF:

- a. GABRIELA ZEPEDA
 - i. Glock, G19 Gen 5, 9mm Pistol, Serial Number: CASU094;
 - ii. Glock, G19 Gen 5, 9mm Pistol, Serial Number: CAA6868; and,
 - iii. Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD080531;
- b. PERLA CORTE MEDINA
 - i. Glock, G22 Gen 4, 40 caliber Pistol, Serial Number: VYR853;
 - ii. Glock, G19 Gen 4, 9mm Pistol, Serial Number: BCWK960; and,
 - iii. Glock, G45 Gen 5, 9mm Pistol, Serial Number: BXDZ965;
- c. MARISSA GAMEZ GUERRERO and NOE RODRIGUEZ MACIAS
 - i. Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP137 (on GAMEZ);
 - ii. Glock, G17 Gen 5, 9mm Pistol, Serial Number: CAGP138 (on GAMEZ);
 - iii. Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078613 (in Vehicle);
 - iv. Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD085814 (in Vehicle); and,
 - v. Carl Walther, 1911 Gov., 22 Pistol, Serial Number: WD078627 (in Vehicle);

45. Based on my training and experience, your affiants knows Glock and Carl Walther firearms are manufactured outside of the state of Arizona. Therefore, they would have needed to travel across state lines to be in Arizona.

46. In summary, the abovementioned individuals admitted to smuggling firearms to Mexico, attempting to smuggle firearms to Mexico, and making material false statements to FFLs.

CONCLUSION

47. For these reasons, your Affiant submits that there is probable cause to believe that beginning July 22, 2023, and continuing through October 13, 2023, ZEPEDA, ROMERO and GAMEZ gave false statements to Federal Firearm Licensees (FFL) in Yuma County, Arizona in violation of 18 U.S.C. § 924(a)(1)(A) (False Statement During Purchase of a Firearm); 18 U.S.C. §§ 922(a)(6) & 924(a)(2) (Material False Statement During the Purchase of a Firearm). ZEPEDA, MEDINA, GAMEZ and RODRIGUEZ attempted, or have before, smuggled firearms from the United States into Mexico, in violation of 18 U.S.C. § 554(a) (Smuggling Goods from the United States).

48. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

KYLE DAND Digitally signed by KYLE DAND
Date: 2023.10.14 22:52:03 -07'

KYLE DANDOY

Special Agent

The Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed electronically this 15th day of October, 2023

Michael T. Morrissey

HONORABLE MICHAEL T. MORRISSEY

United States Magistrate Judge